

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1579

In re: DONNIE WAYNE SHEFFIELD,

Petitioner.

On Petition for a Writ of Mandamus
(4:07-cr-00769-TLW-1)

Submitted: August 18, 2011

Decided: August 22, 2011

Before WILKINSON, DAVIS, and KEENAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Donnie Wayne Sheffield, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Donnie Sheffield petitions for a writ of mandamus seeking an order compelling the district court to act on several motions he has filed in that court. We conclude that Sheffield is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003). Further, mandamus relief is available only when the petitioner has a clear right to the relief sought. In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988).

Sheffield has filed motions to appoint counsel and compel production of transcripts, but currently has no cases pending before the district court. Thus, he is not entitled to the relief he seeks.

Accordingly, although we grant Sheffield leave to proceed in forma pauperis, we deny his motion to expedite and deny the petition for writ of mandamus. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED